

**Enforcement & Resource Protection Committee
Regular Meeting
March 1, 2005 – 2:00 p.m.
Tribal Office Conference Room A**

1. Call to Order & Roll Call-

Committee Chairman Gary Besaw called the meeting to order at 2:05 p.m. Those present: Tony Warrington, Al Fowler, Lynette Miller, Lew Boyd, Barb Nelson, Bill Kussel, Mark Waukau and Bryan Lepscier. Gary Schuettpelez was absent. Also present for the meeting was: Rita Keshena, Rob Orcutt, Lisa Lyons, Roberta Reiter, Joe Holl, Dave Oshkosh, Charlotte Caldwell, Mike Waupoose, Lauren Waupoose, Gordon Waupoose, Jeremy Weso, Randy Reiter, Norbert Miller, Richard Annamitta, David Miller, Rudy Reiter Jr., John Reiter and Doug Cox.

2. Moment of Silence-A moment of silence was observed.

3. Review Minutes Dated January 26, 2005-

Motion made by Barb Nelson to approve the minutes dated January 26, 2005. Motion was seconded by Lynette Miller. All those in favor of the motion signify by saying aye, 8-for, 0-opposed, 1-absent. Motion carried.

Motion made by Bill Kussel to suspend the agenda and move to other business. Motion was seconded by Tony Warrington. All those in favor of the motion signify by saying aye, 8-for, 0-opposed, 1-absent. Motion carried.

11. Other Business-

Lisa Lyons was present along with other community members and high school kids to request help from the committee. Lisa explained that there needs to be something done with the underage drinking problem on the reservation especially with the recent tragedy of two high school seniors dying in a car crash as a result of alcohol. Mike Waupoose, MIHS Student Council President was present and informed the committee that many of the area children would also like to see a change. Lisa and Mike presented the committee with a petition signed by 317 adults and children asking the Committee/Legislature to change the laws and regulations in the alcohol ordinance.

Committee went into a lengthy discussion regarding the issue and the best decided that the best way to address the issue would be to form a task force to meet and decide what kind of changes can be made.

Once the task force comes up with some recommendations they can bring them back to the committee for discussion.

Motion made by Lew Boyd to recommend that the Menominee Tribal Legislature create a task force to address the problem of underage drinking and selling liquor to minors and to have the group consist of; Tribal Social Services, Menominee County Human Services, MISD Student Council, Menominee Tribal Police Department, Menominee County Sheriff's Department, Head Start, Woodland Associates, Community Development and Menominee Convenient Store Owners to produce a study and report back to the Enforcement & Resource Protection Committee with recommendations. Motion was seconded by Lynette Miller. All those in favor of the motion signify by saying aye, 8-for, 0-opposed, 1-absent. Motion carried.

Committee suggested that Gordon Waupoose of Woodland Associates takes the lead in setting up the meetings.

Motion made by Tony Warrington to go back to the regular agenda. Motion was seconded by Barb Nelson. All those in favor of the motion signify by saying aye, 8-for, 0-opposed, 1-absent. Motion carried.

4. Review Monthly Reports-

Committee reviewed the reports and no one had any questions. No action taken.

5. Fish Habitat/Jeremy Pyatskowitz-

Jeremy was present and explained to the committee that Environmental Services along with Conservation will be doing a Fish Habitat Improvement Project. Right now the problem is that the drop in lake levels in recent years along with the decay of woody debris in near shore areas has caused a loss in fish habitat in Sand Lake, Round Lake and Fredenberg Lake. The loss in habitat can reduce the number of fish a lake can support and to counteract these natural processes fish habitat is often created to replace that which is lost naturally over time.

Jeremy explained that this tree dropping procedure is nothing new and has proved to be quite successful. The species that will benefit from the project are mainly largemouth bass, bluegill and crappie.

Community members present are very concerned with the project and have raised a lot of the questions. Community members main concern is that there is so much clear cutting going on around the reservation and now this project would be cutting even more trees down.

Motion made by Lew Boyd to have Environmental Services gather the necessary studies or information and report back to this committee with their findings about the validity of this kind of environmental practice (Fish Habitat Improvement Project). Motion was seconded by Mark Waukau. All those in favor of the motion signify by saying aye, 8-for, 0-opposed, 1-absent. Motion carried.

Tony Warrington was excused at 3:30 p.m.

6. Cigarette Ordinance 79-04-

Menominee retailers were present to discuss with the committee the problems they have with the current cigarette ordinance which is the following;

- With a 3 day delivery there is a cash flow problem.
- The Tribe receives 70% of the tax per carton of cigarettes.
- Retailers are only making \$1.80 per carton of cigarettes and feel that they are the ones doing all the work and the Tribe does nothing and collects the tax money.
- The tribe had too many days off and cigarettes aren't delivered when they are supposed to be.
- The whole ordinance needs to be re-vamped and whoever changes the ordinance needs to keep the retailers in mind instead of just the tribe.

Roberta Reiter will work with Rob Orcutt on the ordinance and bring it back to the committee at the next regular meeting.

7. Ordinance 94-04 Peddlers/Yvette Snow-

Committee went into a very lengthy discussion regarding the changes that need to be made to the ordinance before it can go to the Menominee Tribal Legislature for approval.

Rob Orcutt will work on the ordinance and the revisions and will bring it back to the committee.

8. CISCO Discussion-

Bill informed the committee that he is still waiting to hear from the CISCO people and once he knows more he will report to the committee on the issue.

Lynette Miller was excused at 4:40 p.m.

9. Nuclear Waste Repository Discussion-

Lew Boyd informed the committee that the issue is on the agenda for the Wisconsin Citizen Action Board of Directors meeting scheduled for June 17, 2005.

Dave Oshkosh and Doug Cox were present to give the committee a brief history of the Nuclear Waste Repository along with a handout.

Bryan Lepscier was excused at 5:00 p.m.

Doug Cox informed the committee that there are currently resolutions on the books dealing with the issue (83-05 and 84-07) that maybe the committee or the Legislature need to reaffirm.

Committee would like a report from the Department of Energy and Doug will draft a letter and bring it to the next meeting. After the next meeting Doug will meet with the Legislature to discuss the issue.

10. Junk Car Update-

Committee will discuss the issue at a special meeting. No discussion, no action taken.

11. Other Business-

Mark Waukau has an issue with Telecommunications. After a lengthy discussion committee made the following motion;

Motion made by Bill Kussel to recommend that the Menominee Tribal Chairman contact Menominee County Board Chairman to discuss the issue of Telecommunications and an interim contract as far as the move and if an interim contract can't be done our recommendation is that the move wait until a contract can be done. Motion was seconded by Lew Boyd. All those in favor of the motion signify by saying aye, 3-for, 0-opposed, 4-absent, 2-abstentions (Mark Waukau and Barb Nelson). Motion carried.

Mark Waukau would also like the committee's support in letting the officers that live off the reservation take their squad cars home with them. Currently a standing Legislative motion is in place prohibiting the officers from taking the vehicles home with them.

Motion made by Bill Kussel to recommend that the Menominee Tribal Legislature rescind their previous motion forbidding Police Officers living off the reservation from taking their squads home with them and that they now be allowed to take the vehicles home with them regardless of whether they live on or off the reservation consistent with the performance standards of the BIA. Motion was seconded by Al Fowler. All those in favor of the motion signify by saying aye, 4-for, 0-opposed, 4-absent, 1-abstention (Mark Waukau). Motion carried.

Rob Orcutt is currently looking into getting a Law Student to come in and work on the codification of Tribal Ordinances. Rob will discuss the issue more at the next meeting.

12. Adjournment-

Motion made by Lew Boyd to adjourn. Motion was seconded by Barb Nelson. All those in favor of the motion signify by saying aye, 5-for, 0-opposed, 4-absent. Motion carried.

Meeting adjourned at 6:10 p.m.